

IDAHO BOARD OF MASSAGE THERAPY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 9/16/2019

BOARD MEMBERS PRESENT: Carla A. Steen - Chair
Justin Kobbe Solace
Mary Jo White, D.C.
Riki Nagle-Ker

BUREAU STAFF: Kelley Packer, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Nicholas Krema, General Counsel
Rob McQuade, Legal Counsel
Candace Villarreal, Board Specialist

OTHERS PRESENT: David Packham, Owner, Head to Toe Massage
Colby Cameron, Idaho Division of Financial
Management

The meeting was called to order at 9:02 AM MDT by Carla A. Steen.

APPROVAL OF MINUTES

Mr. Kobbe Solace made a motion to approve the minutes of 7/15/2019 and 8/2/2019. It was seconded by Dr. White. Motion carried.

[INVESTIGATIVE REPORT](#)

Ms. Peel gave the investigative report, which is linked above.

EXECUTIVE SESSION

Dr. White made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Ms. Nagle-Ker. The vote was: Mr. Kobbe Solace, aye; Dr. White, aye; Ms. Nagle-Ker, aye; and Ms. Steen, aye. Motion carried. Dr. White made a motion to come out of executive session. It was seconded by Ms. Nagle-Ker. Motion carried.

FOR BOARD DETERMINATION

Dr. White made a motion to approve the Bureau's recommendation and authorize the Board chair to sign the Findings of Fact, Conclusions of Law and Final Order regarding case number MAS-2020-3. It was seconded by Ms. Nagle-Ker. Motion carried.

PROPOSED LAWS AND RULES

Mr. McQuade updated the Board regarding the Rules Reauthorization for IDAPA 24.27.01 and removal of duplicative rules of the Idaho State Board of Massage Therapy. After review and discussion, the Board gave recommendations. Dr. White made a motion to proceed and move the rules from proposed to pending. It was seconded by Ms. Nagle-Ker. Motion carried.

Mr. McQuade updated the Board regarding the recommended statute changes applicable to massage establishment licensure. He stated that he met with Becky Olinger, president of the American Massage Therapy Association (AMTA), to discuss AMTA recommendations including location parameters for home businesses, safety of equipment and cleanliness procedures. After review and discussion, the Board gave recommendations. Mr. Kobbe Solace made a motion to proceed and move the legislation through the legislative process. It was seconded by Ms. Nagle-Ker. Motion carried.

FINANCIAL REPORT

Ms. Peel gave the financial report, which indicated that the Board had a cash balance of \$387,110.99 as of 7/31/2019.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

NEW BUSINESS

SET NEXT MEETING DATE:

NEXT MEETING is scheduled for November 18, 2019 at 9:00 AM MST

ANOTHER MEETING is scheduled for January 27, 2020 at 9:00 AM MST

ANOTHER MEETING is scheduled for March 9, 2020 at 9:00 AM MDT

ANOTHER MEETING is scheduled for May 4, 2020 at 9:00 AM MDT

ANOTHER MEETING is scheduled for July 13, 2020 at 9:00 AM MDT

FEDERATION OF STATE MASSAGE THERAPY BOARDS ANNUAL MEETING

The Federation of State Massage Therapy Boards Annual Meeting is in Atlanta, Georgia October 3-6, 2019. Dr. White made a motion to allow the voting delegate to

have the option to listen and decide the final vote on all matters at the 2019 Annual Meeting. It was seconded by Ms. Nagle-Ker. Motion carried.

CORRESPONDENCE

CORRESPONDENCE REGARDING LICENSURE OF IDAHO SCHOOL INSTRUCTORS TEACHING EXEMPTED MODALITIES

The Board reviewed a response written by Mr. Crema, at the direction of the Board, regarding correspondence from Jasmine Kinney from the 7/15/2019 Board meeting. Dr. White made a motion to approve the response as written and send it to Ms. Kinney. It was seconded by Ms. Nagle-Ker. Motion carried.

CORRESPONDENCE REGARDING STUDENT COMPENSATION

The Board reviewed correspondence from Gayla Dumont regarding student compensation from the 7/15/2019 Board meeting. Previously the Board discussed that a person shall not practice massage therapy for compensation or hold himself or herself out as a massage therapist without first receiving from the Board a license to engage in that practice, and that "compensation" means the payment, loan, advance, donation, contribution, deposit or gift of money or anything of value, except "compensation" shall not include a student tuition credit program where such program has been established by a massage therapy establishment. It was also discussed that student compensation is acting against the law, and that when students begin to focus on compensation, they can lose focus on their education. No action was taken in the 7/15/2019 Board meeting.

The Board opened today's discussion on this subject to discuss its recommendations and make a motion. Ms. Nagle-Kerr made a motion for Mr. Crema to draft a letter regarding the correspondence and send it to all proprietary, non-degree granting massage schools listed on the Idaho State Board of Education website, and to send a courtesy copy to Ms. Dumont and all Board members. It was seconded by Mr. Solace. Motion carried.

CORRESPONDENCE REGARDING ONLINE LECTURES AT MASSAGE SCHOOLS

The Board reviewed correspondence from Jolene Rivers, owner of Twin Rivers Therapeutic Massage Academy in Lewiston, Idaho, regarding student attendance of didactic courses via online sources such as skype or zoom. The Board discussed that a person shall follow the laws and rules as outlined in State Licensure Rules, section 600 Educational Program Standards, which states: a minimum of five hundred (500) hours of "in-class" supervised hours of coursework and clinical work must be attended. Ms. Nagle-Kerr made a motion for Ms. Villarreal to respond and include this information. It was seconded by Mr. Kobbe Solace. Motion carried.

CORRESPONDENCE REGARDING NATUROPATHIC DOCTORS AND MASSAGE

The Board reviewed correspondence from Jill Kramer regarding the role and legitimization of naturopathic doctors (ND), the practice of massage therapy, and the Smith Case of 1955. The Board discussed that a person shall not practice massage therapy for compensation or hold himself or herself out as a massage therapist, without first receiving from the Board a license to engage in that practice. In addition, the Board discussed that in the last legislative session a bill was passed providing full regulatory authority over naturopathic doctors. The new statutory program provides for licensure and a fully defined scope of practice. Ms. Kerr made a motion for Mr. Krema to draft a letter stating that ND licensure is in process with the legislature and that, until such time as licensure is in place, specific concerns may be directed to local law enforcement. It was seconded by Mr. Kobbe Solace. Motion carried.

CE COURSES

Ms. Nagle-Ker made a motion to approve the following course approval applications:

17699 Tips for Ethical Practice Building
17019 Painless Aromatherapy-Home Study

It was seconded by Mr. Kobbe Solace. Motion carried.

EXECUTIVE SESSION

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Ms. Nagle-Ker made a motion to come out of executive session. It was seconded by Dr. White. Motion carried.

The Board chair left the meeting during executive session and the vice chair took over facilitation of the meeting.

APPLICATIONS

Ms. Nagle-Ker made a motion to approve the following for licensure:

Ando, Crystal	MASA-3911
Ashley, Jill	MASA-3934
Becker, Nicole	MASA-3898
Bing, Jiang	MASA-3923

Brandt, Jessica	MASA-3919
Brennan, Kelsey	MASA-3916
Calderon, Cheyenne	MASA-3921
Cline, Alison	MASA-3918
Coon, Charise	MASA-3912
Crotty, Mark	MASA-3892
Edge, Sharon	MASA-3509
Elliott, Michael	MASA-3926
Gadbery, Kaybrie	MASA-3917
Giltner, Scott	MASA-3922
Hughes, Kathleen	MASA-3897
Johnson, Patricia	MASA-3895
Kern, Todd	MASA-3927
Kojima, Tyler	MASA-3915
Loeffler, Cassandra	MASA-3914
McCAughey, Nicole	MASA-3903
McClure, Shannon	MASA-3905
McLemore, Raynee	MASA-3925
Mikheyeva, Salmia	MASA-3907
Miller, Jacie	MASA-3913
Owens, Jaicey	MASA-3894
Prince, Hanna	MASA-3930
Richardson, Rose	MASA-3920
Steele, Dakota	MASA-3923
Steele, Shelley	MASA-3924
Swanson, Benjamin	MASA-3893
Wells, Casey	MASA-3900
Zhang, Judi	MASA-3909

It was seconded by Dr. White. Motion carried.

Ms. Nagle-Ker made a motion to approve the following for licensure:

Anderson, Bryan	MASA-3855
Andreasen, Megan	MASA-3820
Andrus, Shayla	MASA-3825
Jensen, Emily	MASA-3906
Redford, Macy	MASA-3902
Talbot, Tana	MASA-3904
Thelin, Ursula	MASA-3899
Whipple, Tania	MASA-3885

It was seconded by Dr. White. Ms. Steen abstained from discussion before her departure. Motion carried.

Dr. White made a motion to approve the following pending receipt of additional information:

901-157-765
901-169-947
901-169-278
901-169-767
901-168-634
901-169-887
901-169-049

It was seconded by Ms. Nagle-Ker. Motion carried.

Dr. White made a motion to approve the following pending receipt of additional information:

901-169-235
901-168-633
901-168-975

It was seconded by Ms. Nagle-Ker. Ms. Steen abstained from discussion before her departure. Motion carried.

Motion carried.

Dr. White made a motion to approve the following pending receipt of additional information and review by a Board member:

901-168-890

It was seconded by Ms. Nagle-Ker. Motion carried.

ADJOURNMENT

Dr. White made a motion to adjourn the meeting at 1:30 PM MDT. It was seconded by Ms. Nagle-Ker. Motion carried.

Carla A. Steen, Chair

Justin Kobbe Solace

Mary Jo White, D.C.

Riki Nagle-Ker

Kelley Packer, Bureau Chief